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FM AMEMBASSY BAKU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0564
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUCNMEM/EU MEMBER STATES PRIORITY
RUEHAK/AMEMBASSY ANKARA PRIORITY 3185
RHMFISS/CDR USEUCOM VAIHINGEN GE PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKDIA/DIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 1225

C O N F I D E N T I A L SECTION 01 OF 03 BAKU 000003

SIPDIS

DEPT FOR EUR/CARC AND DRL

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KHUM](#) [AJ](#)

SUBJECT: CLOSURE OF FOREIGN RADIO BROADCASTS: STATIC ON FM 101.7

REF: A. 08 BAKU 1062
[B](#). 08 BAKU 1153
[C](#). 08 BAKU 1157
[D](#). 08 BAKU 1076
[E](#). 08 BAKU 1136

Classified By: Charge d'Affaires Donald Lu, Reasons 1.4 (b and d).

[11.](#) (C) SUMMARY: On December 30 2008, the Azerbaijan National Television and Radio Council (NTRC) announced that as of January 1 it revoked the broadcast licenses for operations on FM frequencies of the Voice of America, Radio Liberty (Radio Azadliq), and of the BBC. The decision came as a surprise since the NTRC Chairman and other senior officials have suggested that these broadcasters might stay on the air during negotiations about their longer-term status. The GOAJ publicly justifies its decision based on its law on television and radio broadcasting and insists that politics played no part. Based on comments by President Aliyev, however, the primary reason for the decision is the government's vehement dislike of Radio Azadliq's reporting. This decision was made at the highest level of the GOAJ and was likely the subject of some controversy among senior leaders. END SUMMARY.

Legal Justification

[12.](#) (C) The ostensible rationale for the December 30 announcement of the foreign broadcast shutdown is that, according to the NTRC's reading of the 2002 law on television and radio broadcasting, it is illegal for foreign broadcasters to operate on the FM spectrum. The government insists that this restriction reflects "international standards." It has used this law to ban Russian and Iranian broadcasters in recent years. In fact, the GOAJ's reliance on its law on broadcasting is based on a broad interpretation of its terms. The law, in fact, explicitly permits foreign broadcasts with government permission. It only forbids the formation of domestic radio and TV channels using foreign funding or ownership.

[13.](#) (C) Alternatively, the law could require an intergovernmental agreement to permit foreign broadcast. The GOAJ required such an agreement from the Turkish government in order to continue broadcasts of Turkish TV in Azerbaijan. The United States began laying the groundwork for good-faith negotiations in November 2008, when a delegation from Radio Liberty and the Broadcast Board of Governors (BBG) visited Baku. At that time the USG was led to believe by the GOAJ

that there was room for negotiation and a resolution of the issue that left the stations broadcasting could be found (reftel B). President Aliyev, his chief of staff Ramiz Mehdiyev, presidential foreign policy advisor Novruz Mammadov, Foreign Minister Elmar Mammadyarov, and the NTRC Chairman Maharramli all at various times told the Embassy that the GOAJ was willing to find a solution (reftel B, C, D).

Censorship -- the Main Objective

¶4. (C) The real motivation for the crackdown on the broadcasters is President Aliyev and Mehdiyev's disdain for Radio Azadliq's editorial content. In a meeting with DRL A/S David Kramer on 16 November 2008, Aliyev claimed that "90 percent" of Azadliq's content was biased against the GOAJ and him personally (reftel E). For his part, Ramiz Mehdiyev suggested that outlets like Radio Azadliq could legitimately present news about the United States and the outside world, but reporting on domestic news would "destabilize" Azerbaijan (reftel B).

¶5. (C) Perhaps in order to give the December 30 NTRC decision the veneer of evenhandedness, the NTRC also suspended the license of Moscow-based Europa Plus (a network of popular music stations that broadcasts through affiliates across the former USSR) because it does not broadcast sufficient Azeri-language material. Maharramli as much as admitted that he was doing exactly what the President's Office had instructed (reftel A). Also, as recently as

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October 2008, the NTRC signed an agreement with the BBC to allow the construction of additional FM transmission towers in the regions of Aqsu, Dashkasan and Lerik, a signal that both parties expected the BBC broadcasts to continue.

Internal Divisions

¶6. (C) There are signs that there has been significant disagreement within the cabinet and Presidential Apparatus on this issue. Based on their statements to the Ambassador, both foreign policy advisor Novruz Mammadov and Foreign Minister Mammadyarov have said they would try to keep these broadcasts on the air (Mammadyarov told the Ambassador that he was an avid listener of the BBC.) Also, the NTRC delayed its decision five days, possibly because a final decision had not yet been handed down by the President. According to British Ambassador Carolyn Brown, presidential aide Ali Hasanov, who manages the media for the Apparatus, called the head of the BBC's Azeri service after the decision was announced. Hasanov told the director that he had tried to keep the BBC on the air but had not been able to do so.

¶7. (C) The Azerbaijani Government has also expressed surprise at the level of attention this issue has generated in Europe and the U.S. When meeting with Ambassador and EUR/CARC Director Baxter Hunt, Novruz Mammadov, normally an astute observer of the United States, said that no one in the GOAJ considered that stopping the broadcasts could have wider repercussions in the relationship (reftel C). The Foreign Minister's reaction also seemed to suggest that he initially viewed the issue as one of atmospherics (reftel D).

European and Local Reaction

¶8. (SBU) The GOAJ's timing of the decision over the long New Year's holiday weekend limited some of the international and local reaction to the decision. Despite this, the OSCE Representative on Media Freedom Miklos Haraszti, EU Commissioner for External Relations Benita Ferrero-Waldner, and EU High Representative for CFSP Javier Solana, and the

Parliamentary Assembly of the Council of Europe Rapporteur Andres Herkel all made statements condemning the decision. Domestically, opposition newspapers covered the story on their front pages, quoting opposition leaders and independent commentators condemning the NTRC decision. All national television and radio stations also covered the story, but they presented only the GOAJ viewpoint.

¶19. (C) On January 5, Charge met with Radio Azadliq Bureau Chief Khadija Ismayilova to discuss this situation.

Ismayilova explained that Azadliq is pursuing alternative avenues for getting its message out, including satellite and short-wave (SW) transmission and negotiating with cell phone service providers. She informed the Charge that SW is only currently programmed for one hour per day and that AM radio transmissions, while not covered by the law, are also shut off. She also commented that the GOAJ may try to jam SW transmissions as well. Ismayilova noted that Azadliq's current satellite transmissions are being carried by the Hotbird satellite, but that most Azerbaijanis are tuned into Turk Sat.

COMMENT

¶110. (C) The lack of media freedom is one of the most serious problems facing Azerbaijan. The termination of these foreign broadcasts has eliminated some of the last remaining dissenting press voices. While some limited-circulation opposition newspapers exist, they have small readerships and do not present an independent, unbiased perspective. The Embassy is arranging meetings this week with the Presidential Apparat, the National TV and Radio Council and the Foreign Ministry to urge the reversal of this decision. Both the NTRC Chairman and representatives of the BBG have indicated an interest in continuing negotiations on the long-term status of VOA and Radio Liberty in Azerbaijan. The Embassy recommends that the BBG re-engage in these negotiations without delay.

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